

Remarks

Claims 1-12 are currently pending in this application. By this Amendment, claim 1 has been rewritten and claims 13-16 have been added. Claims 1-16 are therefore presented to the Examiner for consideration.

Claims 1-5, 7-8, and 10 have been rejected under 35 U.S.C. § 102(b) over Timmer. Timmer describes an ankle rehabilitation device on which weights are securely attached to a footplate in a cantilever manner. The weights are secured to the footplate along a channel or into apertures in the footplate. The device of Timmer is used primarily for non-weight bearing rehabilitative exercises where the muscles are flexed to lift the attached weights. The exercise device of the subject invention is used for weight bearing exercise and has a platform which is larger than the footprint of the foot that rests upon a fulcrum. A user atop the platform contracts the muscles of the lower leg and ankle to bring the platform parallel with the floor. Specific muscles are targeted for exercise by positioning the fulcrum at different places beneath the platform. The fulcrum of the device of the subject invention differs from the apparatus of Timmer in that it is not weighted and it is not securely attached to the bottom of the platform.

The platform of the device of the subject invention is larger than the footprint of the foot. Timmer describes only a foot-sized footplate. The enlarged platform of the subject invention provides versatility in that the device can be used to exercise a greater number and combination of muscles as well as accommodate users of various sizes. When used as a weight bearing device, the weights of Timmer are only moveable beneath the foot limiting the length of the resistance arm and therefore the resistive force. For example, attachment of the weights near the toe would only provide resistance similar to standing on tiptoe. In contrast, the fulcrum of the device of the subject invention can be placed well in front of the toe under the enlarged platform lengthening the resistance arm and the resistive force of the device. Additionally, because the fulcrum can be placed freely beneath the platform and not only in designated positions the resistance arm can be increased gradually providing a progressive rehabilitative device. Further, free placement of the fulcrum beneath the device allows any combination of muscles to be targeted. The device is not limited by placement of weight along a channel or in apertures. Foot sizes vary greatly. Free placement of the

fulcrum beneath the platform of the subject invention allows the device to accommodate a child or a college basketball player and provide the proper resistive force for the injury. Varying fulcrum size and shape likewise controls the acceptable range of motion for individual users.

The enlarged platform of the device of the subject invention, also offers greater stability and safety than the footplate of Timmer. As stated previously, Timmer is primarily used for non-weight bearing exercise. If however the device of Timmer is used for weight bearing exercise, a user balancing upon the device could roll the ankle perhaps further damaging weak muscles. The acceptable range of motion of the user can be controlled with the wider, more stable platform and omni-positional fulcrum of the subject invention.

The fulcrum of the device of the subject invention contacts and holds the bottom of the platform at any position beneath the platform. The fulcrum can contact the platform through adhesion. Adhesion prevents the platform from sliding across the fulcrum yet allows the fulcrum to easily disengage from the platform to adjust resistance of the device. The fulcrum can also be removably attached to the bottom of the platform. For example, the fulcrum can be attached beneath the platform with hook and loop fasteners. The complimentary side of the hook and loop fastener covers the entire undersurface of the platform to allow the fulcrum to be placed anywhere beneath the platform. The fulcrum can also be attached to the bottom surface of the platform on a pivoting arm which allows it to be placed at varying spots beneath the platform. Secure attachment of the weights along the channels or in the apertures of Timmer does not provide the versatile device of the subject invention.

The exercise device of the subject invention is an enlarged platform under which a fulcrum can be placed at any position. The cited reference describes only a footplate to which weights are securely attached. The cited reference does not describe the exercise device of the subject invention. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection.

Claim 6 has been rejected under 35 U.S.C. § 102(b) over Stodgell. Claim 6 recites that the means for securing a foot to the platform is a footplate which is attached to the platform that has at least one strap to strap the foot to the footplate. Stodgell describes an ankle rehabilitation device that

has a small plate securely attached to an anchored pivot presented on a pivot stand. The pivot has resistance means to control the resistance of the plate as it pivots about the anchor.

The resistance means of the device of Stodgell are hinged lever arms that are attached along the periphery of the plate. Movement of the plate is limited by the movement of the hinge of the lever arms. Movement of the plate of Stodgell is therefore restricted to a single plane. Resistance of the device of the subject invention is adjusted by freely moving the fulcrum beneath the platform either closer to or further from the position of the foot. The platform pivots about the fulcrum in all planes.

The resistance means of Stodgell are cumbersome. To adjust resistance, an injured user must have assistance or be able to reach well below the foot strapped to the device to manipulate the knobs and levers. To adjust resistance of the device of the subject invention, the user merely lifts the involved leg and thus the platform removing the platform from the fulcrum and then places the platform at another position above the fulcrum. Free placement of the fulcrum beneath the platform insures that specific muscle groups, or combinations of muscle groups, can be targeted on anyone at any needed resistance. Attachment of the resistance means of Stodgell to multiple positions along the periphery of the plate does not offer such versatility.

Stodgell does not suggest or describe an exercise device that through its freely moveable fulcrum offers the ability to exercise a variety of muscles at varying resistances like the device of the subject invention. Reconsideration and withdrawal of the rejection based on this reference is therefore respectfully requested.

Claims 9, 11 and 12 have been rejected under 35 U.S.C. § 103(a) over Timmer. Claims 9, 11 and 12 recite that the platform and fulcrum of the subject invention can be made of an number of materials. The Office Action states that it would have been obvious that these components could have been constructed of the materials listed. Applicant notes that Timmer does not describe the unique exercise device of the subject invention. Further, Timmer does not suggest such a device. Timmer describes only a device to which weights are secured to the bottom of a footplate. The weights can only be secured at designated spots beneath the foot. Timmer does not suggest expanding the footplate or providing a moveable fulcrum on which the platform can balance.

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Further, Timmer does not suggest materials that may be appropriate such that a moveable fulcrum can contact and hold the bottom of the platform. In a preferred embodiment, the fulcrum of the subject invention is made of a rubber-like material that grips the bottom of a transparent acrylic platform. Fulcrum placement is readily identifiable through the transparent platform guided by instructive indicia. The description by Timmer of an ankle rehabilitation device where weights are attached to a footplate does not suggest or describe the versatile exercise device of the subject invention. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection.

In view of the foregoing remarks and amendments to the claims, the applicant believes that the claims are now in condition for allowance and such action is respectfully requested.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

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Respectfully submitted,



Jean Kyle

Patent Attorney

Registration No. 36,987

Phone No.: (406) 375-1317

Address : P.O. Box 2274

Hamilton, MT 59840-4272

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